Strategic Plan and Biennial Report - Discussion of remaining issues

1. Indicators of Success
   a. SCG assignment
   b. Revised text (pg.23-24)
2. Land acquisition revised text (pg. 40)
3. Sub-goal 3b – flood protection (pg. 57-58)
4. STA3/4 discussion (pg. 87)
5. Additional Miccosukee comments and motions

Conference Call Issue #1	**Indicators of Success**
Reference: Pages 23-24 in the 72604 Draft 3 **Also discussed pages 65 and 99**	

Comment [LF1]: •New text after August 3 Conference Call

Vision and Indicators of Success

One of the first actions of the Task Force was to describe a vision for a resulting condition of the South Florida Ecosystem that all the member agencies could strongly support. Translating that vision into discernable and measurable terms is an ongoing process supported by intensive discussion, research, and monitoring. Building on these statements, teams of scientists are working to develop and refine the measures the Task Force will use to know when they have finally achieved their vision. The Task Force member agencies track hundreds of these measures.

Vision

The participants in the South Florida Ecosystem Restoration Task Force share a vision: *A healthy South Florida Ecosystem that supports diverse and sustainable communities of plants, animals, and people.*

To this end, hundreds of different entities have been working for over a decade to restore and preserve more natural hydrology in the ecosystem, to protect the spatial extent and quality of remaining habitat, to promote the return of abundant populations of native plants and animals, and to foster human development compatible with sustaining a healthy ecosystem. These efforts, which are described in detail in the "Strategic Goals and Objectives" section, will continue. The results will be continuously analyzed to provide restoration managers with increasingly comprehensive information about what remains to be done to achieve ecosystem restoration.

The Task Force members believe that the efforts described in this strategy, managed through an adaptive management process, will achieve the restoration of the ecosystem. The region's rich and varied habitats—Biscayne Bay; Lake Okeechobee; the Wild and Scenic Loxahatchee River; the Caloosahatchee, St. Lucie, and other estuaries; the Everglades, mangroves, coastal marshes, and seagrass beds of South Florida; and the coral reef ecosystem of the Florida Reef Tract—will become healthy feeding, nesting, and breeding grounds for diverse and abundant fish and wildlife. The American crocodile, manatee, snail kite, Cape Sable seaside sparrow, and other endangered species will recover. The large nesting rookeries of herons, egrets, ibis, and storks will return. Commercial fishing, farming, recreation and tourism dependent businesses, and associated economies will benefit from a viable, productive, and aesthetically beautiful resource base. The quality of life enjoyed by residents and visitors will be enhanced by sustainable natural resources and by access to natural areas managed by federal, state, and local governments to provide a great variety of recreational and educational activities.

It is important to understand that the "restored" Everglades of the future will be different from any version of the Everglades that has existed in the past. While it is very likely to be healthier than the current ecosystem, it will not completely match the predrainage system. The irreversible physical changes made to the ecosystem make restoration to pristine conditions impossible. The restored Everglades will be smaller and somewhat differently arranged than the historic ecosystem. However, it will have recovered those

hydrological and biological characteristics that defined the original Everglades and made it unique among the world's wetland systems. It will evoke the wildness and richness of the former Everglades.

Indicators of Success

The ultimate measure of Task Force success will be the restoration of the South Florida ecosystem. The appropriate Task Force agencies are tracking progress toward this end by developing and monitoring specific indicators of ecosystem health. These indicators, which range from the harvest of pink shrimp to the number of wading birds to the frequency of water supply restrictions in urban and agricultural areas, represent the myriad physical, biological, and human elements that are all interrelated as parts of the ecosystem and are all important aspects of a healthy ecosystem. Many of these indicators describe a desired end state that may take up to fifty years to realize. A means of measuring positive indications of successional change is necessary to assess incremental progress.

The indictors that were selected for inclusion in the 2002 Task Force strategy document and in the 2000-2002 biennial report to Congress, the Florida Legislature, and the councils of the Miccosukee and Seminole Tribes are included in Appendix A. With the exception of the indicator for threatened and endangered species, which came from the FWS, these indicators were based on a RECOVER baseline report prepared in 1999 and revised in 2001. They were selected for inclusion in the 2002 Task Force strategy document and biennial report because at the time they were believed to be among the most indicative of natural system functioning throughout the region as a whole and among the most understandable and meaningful to the American people and the residents of South Florida. As stated in 2002, these were preliminary indicators that may be refined as more information became available.

Since that time, a great deal of modeling and analysis has taken place. This new information provides feedback to inform the process of refining these indicators. The ongoing discussion of indicators includes (1) how best to use them, (2) which ecological elements are most appropriate and useful as indicators (especially the degree to which their future status may be predicted by reliable models), and (3) how to analyze and report the data in the most effective way for restoration management purposes.

Using the principles of adaptive management the Task Force directed the Science Coordination Group (SCG) in August 2004 to review this new information and provide recommendations for revising the 2002 indicators. Their first task was to develop an open process for developing a comprehensive set of system-wide indicators. Their second task was to use that process to review and refine the 2002 indicators. The SCG was created in December 2003 in recognition of the importance of science to the overall restoration effort and in response to GAO's recommendations to improve science coordination.

Much of the new information the SCG will review is from the CERP Implementation Process. Responding to Congressional direction that this restoration effort be guided by, and continuously adapted to, the best science available, a multiagency Restoration Coordination and Verification Team (RECOVER) has been established to support the implementation of the CERP with scientific and technical information. RECOVER is identifying indicators to be used to assess restoration progress and to adaptively manage the CERP portion of the restoration effort over time. The CERP indicators of interim restoration progress are now under revision in part to meet the new guidelines for developing interim goals, outlined in the *Programmatic Regulations for the Comprehensive Everglades Restoration Plan*. These guidelines are addressed in the biennial report, starting on page 77. The revision process, which includes scientific and public review of these indicators to ensure their comprehensiveness and appropriateness to determining restoration

success, is expected to continue into the fall of 2004. A peer review panel will be charged with assessing the scientific validity of the indicators and providing comment on the presentation of these indicators to the public. To assess the utility of the indicators, the peer review panel will use five-year incremental model runs to observe the trends of the CERP indicators over the life of CERP. Once interim goals have been established by the Secretary of the Army, Governor of Florida, and the Secretary of the Interior and interim targets have been established by the Secretary of the Army and the Governor of Florida the indicators will be used for systemwide assessment of CERP projects to support planning and adaptive management.

Additional scientific and technical information not covered by CERP is being developed and refined by federal, state, and local agencies, including the U.S. Fish and Wildlife Service (FWS), which has developed and is implementing the *Multi-Species Recovery Plan*. The Task Force will ensure that the SCG also considers indicators identified through these non-CERP efforts.

Conference Call Issue #2 **Land Acquisition Text**

Reference:Page 40 in the 72604 Draft 3

Subgoal 2-A: Restore, Preserve, and Protect Natural Habitats

How This Subgoal Will Be Implemented

Land acquisition. Land acquisition is critical to South Florida ecosystem restoration efforts. Land is needed to preserve habitat for native plants and animals and to act as a buffer to existing natural areas. Land is also needed for water quality treatment areas, water storage reservoirs, and aquifer recharge areas that will help restore natural hydrology. Federal, state, and local governments have all played important roles in land acquisition. As of June2004, state and federal agencies have acquired 4.9 million acres of land for habitat conservation purposes, and the Task Force interagency Land Acquisition Team has identified an additional 896,918 acres for acquisition by 2015. The most efficient use of resources may not be fee simple purchase of land, nor is it always desirable. Many alternative tools to meet restoration land use needs are being implemented to maximize the benefits of these limited resources. The Task Force supports the use of creative approaches and partnerships with private landowners needed to achieve restoration through less than fee acquisitions or the use of other tools. Some examples of the tools being used include:

- *Easements*
- *Temporary Lease Agreements*
- *Mitigation Banks*
- *Public Private Partnerships*

Comment [LF2]: •Miccosukee Tribe Comment – Add text in this sentence - "from willing sellers, where necessary and cost efficient"

Over the past several decades, the federal government has acquired title to lands for conservation and public enjoyment of national parks, national preserves, and national wildlife refuges. The federal government also has provided financial support to state land acquisition programs, such as the $200 million provided by the 1996 Farm Bill for acquisition in support of ecosystem restoration. The Farm Bill continues this support for ecosystem restoration through conservation programs that provide funding for the protection and improvement of agricultural land's wildlife values, restoring wetlands, providing for wildlife habitat improvement, control of exotics on private lands, and the purchase of conservation easements. Using existing land use plans and priorities, and based upon the availability of annual appropriations, federal land managers will continue to acquire lands within authorized boundaries of existing national wildlife refuges

and national parks and preserves in the South Florida Ecosystem. The completion of these areas will provide additional habitat for threatened, endangered, and other species, as well as recreational opportunities for the people of South Florida. Further, based upon the availability of annual appropriations, federal land managers will continue to look for opportunities to assist the State of Florida in preserving the highest priority areas for implementation of the CERP.

The Florida Forever Program is Florida's primary land acquisition program. It is a ten-year program that will raise approximately $3 billion ($300 million per year) for land acquisition. The program identifies and acquires lands from voluntary sellers through a process described under chapters 259 and 373 of the Florida Statutes. The state also partners with local governments and other entities to identify and jointly acquire conservation lands. All of the state laws governing the acquisition of land with public funds for the purposes of conservation, recreation, or fish and wildlife management ensure that the public will be provided access.

Conference Call Issue # 3 Subgoal 1B edits regarding flood protection

Reference: Pages 57-58 in the 72604 Draft 3

Subgoal 3-B: Maintain or Improve Flood Protection in a Manner Compatible with Ecosystem Restoration

The SFWMD operates and maintains the primary flood control and water supply system within its sixteen-county jurisdiction. The major portion of that system is comprised of the federally designed and constructed C&SF Project. The SFWMD operates and maintains the multipurpose CS&F Project and other projects within the Big Cypress Basin pursuant to regulation schedules and operational guidelines established by the USACE. ~~.~~ This primary regional system is complemented by secondary and tertiary systems that are operated and managed by local governments, drainage districts established by Chapter 298 of the Florida Statutes, and private interests to ensure that the drainage and surface waters are routed to the primary drainage system.

WRDA 2000 clearly states that implementation of the plan (CERP) shall not reduce levels of service for flood protection were in existence on the date that law was enacted and in accordance with applicable law. Just as environmental protection efforts have the potential to negatively impact flood protection, flood-protection efforts have the potential to negatively impact the health of natural systems. In South Florida, the C&SF Project generally provides flood protection by maintaining pertinent design canal stages and discharging excess water into the ocean. Lowering canal stages not only drains adjacent agricultural and urban lands, but may also affect adjacent natural areas. To make flood-protection efforts compatible with environmental protection, drainage projects need to be accomplished in a way that does not harm the ecology of protected natural areas while providing flood protection for adjacent lands. Similarly, as provided in the Savings Clause of WRDA 2000, CERP environmental protection projects, including increased canal and groundwater levels, need to be accomplished in a way that does not harm flood protection. The C-111 project will achieve this balance by providing a hydraulic barrier to groundwater seepage from Everglades National Park and rerouting seepage combined with flood flow, previously sent south to Biscayne Bay and Florida Bay, back into the park.

The C&SF Project was originally authorized by the Flood Control Act of 1948, and most of the originally authorized project facilities were constructed during the period from 1950 to 1972. Some modifications to the primary system have occurred since the original authorization. Larger than predicted population growth and different development patterns from those projected in 1948 have, over time, challenged the ability of

Comment [LF3]: •Miccosukee Tribe Comment – suggest revising objective language "Flood control must be maintained at existing levels, or augmented where appropriate." This change would be inconsistent with other objective language in the document.

Comment [LF4]: •Moved paragraph up earlier in section and added sentence from WRDA 2000 as per discussion on August 3 Conference Call.

the primary, secondary, and tertiary drainage systems to meet the original goals of maintaining flood protection for urban and agricultural lands.

Maintaining efficiencies in a combination of primary and secondary drainage systems is needed to achieve and maintain original design flood protection planning goals for South Florida. Further modifications, updates, and upgrades are needed in many of the existing water control facilities in order to support the current target levels of flood protection. The CERP, as authorized by Congress in WRDA 2000, is the consensus plan that is to be used to modify and improve the C&SF Project to benefit the Everglades Ecosystem and to help provide for the water needs of the South Florida region, including water supply and flood protection.

Severe flooding occurred within areas of Miami-Dade County as a result of Hurricane Irene in October 1999 and intense rainfall in October 2000. In response to the October 2000 flood, the executive director of the SFWMD appointed a Recovery Task Force under the auspices of the Emergency Operations Center to develop a list of proposed flood mitigation projects for the impacted areas of Miami-Dade County. This Task Force has recommended that mitigation projects be considered on a basinwide basis and include improvements to both the primary and secondary stormwater conveyance systems. A Miami-Dade County Flooding Task Force, which also was created in response to these events, made recommendations that included the expeditious completion of the Modified Water Deliveries and C-111 Projects to help alleviate the flooding risk. Although none of the recommendations are designed to "flood-proof" the basins in which they are constructed, the projects should provide for increased primary system conveyance, which will then allow flood mitigation benefits from secondary system improvements provided by local communities.

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Comment [LF5]: •Moved earlier in section

Maintaining flood protection can also impact water supply. The C&SF Project provides flood protection by discharging water into the ocean through canals. That water therefore is made unavailable for water supply. As flood protection is provided for the agricultural and urban areas bordering the Everglades, there is the potential for increasing the loss of freshwater supplies. Some components of the CERP are designed to decrease this loss.

Conference Call Issue # 4 **STA ¾ Discussion**

Reference: Page 87 in the 72604 Draft 3

Objective 1-B.1: Construct 68,000 acres of stormwater treatment areas by 2036

Everglades Construction Project

As of June 2004, over 35,000 acres of stormwater treatment areas (STAs) had been constructed by the District. Almost 30,000 acres were in flow-through operation and removing total phosphorus that otherwise would have gone into the Everglades Protection Area. During water year 2004[1], STA-1W, STA-2, STA-3/4, STA-5, and STA-6 Section 1 removed more than 87 metric tons of total phosphorus, bringing the total removal to over 425 tons since 1994. Inflow concentrations averaged 136 ppb, while the outflow concentrations averaged 42 ppb. STA performance varied, ranging from 13-14 ppb for STA-2 and STA-6, to almost 100 ppb for STA-5. Portions of the stormwater treatment areas were being managed for submerged aquatic vegetation, and the remainder for cattails and other emergent vegetation.

Comment [LF6]: •Section presented with all edits from 72604 accepted.

Everglades restoration is now focused on developing biologically-based ("green") technologies to the maximum extent possible. This approach is based on manipulating hydrology together with selective vegetation management to create a wetland plant community dominated by emergent plants, submersed aquatic vegetation (SAV), or periphyton (algae). Research has indicated that SAV and PSTA have the potential to reach target total phosphorus levels on a consistent basis. One scenario for improving performance in the STAs envisions that these wetlands would be reconfigured internally to contain sequences of cells dominated by emergent plants followed by cells dominated by SAV. Another possible scenario would sequence cells dominated by emergent plants followed by SAV followed by PSTA. The SFWMD and the Florida DEP will continue to investigate ways to exploit green technologies for use in Everglades restoration.

The most significant milestone during this last reporting period was the completion of construction of STA-3/4, the world's largest constructed wetland at over 16,500 acres. On January 15, 2004, the 6,500-acre flowway 1 of STA-3/4 passed the start-up requirements of the operating permits, and on February 25, 2004, the first discharges of treated water from this STA began. On June 7, the 3,500-acre Cell 3 began discharging. The remainder of STA-3/4 is presently in a vegetation start-up phase and is expected to begin flow-through operations as early as this summer The SFWMD began the design and implementation of enhancements to STA-3/4, intended to further lower phosphorus levels. Key components include additional levees and water control structures, refined operations, and revisions to the vegetation communities, including a 400-acre demonstration periphyton-dominated STA (PSTA) within the footprint of STA-3/4. These enhancements, along with enhancements to the other five STAs, will continue through the end of 2006.

Comment [LF7]: •Edit made per August 3 Conference Call

The construction of STA-1E was substantially completed by the Corps of Engineers in June 2004. Initial flooding of STA-1E is anticipated in the summer of 2004. . A 6- to 18-month vegetation start-up period is anticipated before STA-1E is expected to discharge to the ARM Loxahatchee National Wildlife Refuge, depending on growth of the vegetation, depending on growth of the vegetation. The preliminary design stage for the PSTA field–scale demonstration for cell 4S of STA-1E was completed

[1] A "water year" is from May 1 through April 30 of the following calendar year. This period is used instead of calendar year because it more closely matches South Florida weather patterns – wet season and dry season.

Conference Call Issue #5 Additional Miccosukee Tribe Comments and Motions

Reference: Various Pages as indicated 72604 Draft 3

Miccosukee Tribe's Motions for Additional Changes to the Task Force Draft Strategic Plan to be Discussed on the August 6, 2004, Conference Call

Page 20: The Tribe had agreed to present language on the paragraph concerning short term actions. Upon reviewing the disputed language once more, the Tribe does not believe that this is the same "reasonable expectations for restoration" concept which was discussed on the conference call. This is addressed at page 18: "Major ecological improvements may take many years to realize." The Tribe agrees with that concept and had recommended that a similar paragraph from the Restudy be inserted that: " In general, the large scale hydrological improvements that will be necessary to simulate large scale ecological improvements will only come once the features of the Comprehensive Plan...are in place....some of the major ecological improvements will not occur in the short term." The Tribe believes that the statement on page 20 refers solely to interim management actions, such as ISOP and IOP, which have been environmentally destructive and have caused us to move away from restoration goals. Thus, upon further review we can suggest no revision other than removing the entire paragraph

Tribe's Motion on Page 20 (Short-term actions): Remove the paragraph on short term or interim management actions.

Tribe's Motion on Page 20 if the Language is not removed: Insert the following sentences: "The Miccosukee Tribe on the other hand, believes that it is shortsighted and counterproductive to long-term goals to defend short term interim water management actions which have proven to be environmentally destructive to the Everglades and have moved us farther away from restoration."

Tribe's Motion on (Comprehensive Integrated Water Quality Feasibility Study) Page 37. The Tribe requests that the agencies reconsider their decision to delay the CIWQFS. If the language remains, the Tribe moves to add these two sentences to the end of the underlined language concerning the Comprehensive Integrated Water Quality Feasibility Study: "The Miccosukee Tribe believes that this delay is indicative of the overall failure to address water quality on a priority basis. Water quality is an essential component of restoration and such a delay is unwarranted in the Tribe's view." The Tribe also moves to reinsert the word "Comprehensive" in the title.

Tribe's Motion on (STA 3/4) Page 87: Insert the words "It is the position of the South Florida Water Management District that..." at the beginning of the first underlined sentence concerning STA 3/4. Insert the following sentences that the end of that paragraph: On the other hand, it is the position of the Tribe that the STA 3/4 deadline was not met. Likewise, a Special Master in judicial proceedings recommended that the deadline be changed by the Judge, because it was not met.

Tribe's Motion on Cape Sable Seaside Sparrow Page 100: The Tribe contends that the information regarding the Cape Sable Seaside Sparrow contained on page 100 is incomplete and misleading. The Tribe has reviewed the 2004 survey results for subpopulation A, the subpopulation on which the FWS based its 1999 Biological Opinion, and has learned that one bird was observed in the survey area. The number of observed birds in subpopulation A has declined from 25 observed birds when jeopardy was declared in 1999 to one. This decline supports the Tribe's position that the so-called short term (and short-sighted) interim

water management actions (ISOP and IOP) that have been taken allegedly to protect subpopulation A, and which have unnaturally flooded and destroyed Tribal lands and the endangered snail kite critical habitat in WCA 3A, have hurt, rather than help, the sparrow..

Tribe's Motion on Page 100: The Tribe moves to remove the misleading language concerning the status of the sparrow as it is incomplete and misleading. Should the language remain the Tribe moves to have the following sentences included: "It is the position of the Miccosukee Tribe that this language concerning the status of the sparrow is incomplete and misleading."

Further, the Tribe requests that the FWS present the study upon which its statement is based, since the Task Force has not received this information and cannot issue information to Congress that is based on a report that we have not seen.

Additionally, the Tribe reserves the right to amend its motions, or entertain new motions, depending on what happens on the conference call.